

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

MONTRELL HOLMES,)	
)	
Plaintiff,)	
)	
v.)	Case No. 09-cv-47 DRH
)	
DR. OBADINA, et al.,)	
)	
Defendants.)	

ORDER

Currently pending before the Court is Plaintiff Montrell Holmes's Motion to Serve Defendant (Doc. 16). For the reasons set forth below this motion is **DENIED without prejudice**.

Plaintiff filed his complaint in this action on January 14, 2009, alleging deliberate indifference to his serious medical needs, in violation of his constitutional rights, by various medical staff at Pinckneyville Correctional Center (Doc. 1). On July 27, 2009, the Court completed its threshold review of the action finding that Plaintiff had stated a claim for deliberate indifference to his serious medical needs against Defendants Obadina, Gerst, and the unnamed physical therapist (Doc. 12).¹ The order directed service of process upon Defendants Obadina and Gerst, but stated, "[s]ervice shall not be made on the Unknown (John Doe) Defendants until such time as Plaintiff has identified them by name on a USM-285 form and in a properly filed amended complaint."

On August 6, 2009, Plaintiff filed the Motion to Serve Defendant (Doc. 16), in which he identified the unnamed physical therapist as Dan Varel, and asked that the Marshal serve process upon Mr. Varel. As explained in the July 27 order, Plaintiff's motion is not the proper method for seeking service upon Mr. Varel. Accordingly, Plaintiff's motion (Doc. 16) is **DENIED without**

¹The Court dismissed all other claims and defendants from the action.

prejudice. If Plaintiff wishes to add Mr. Varel as a defendant in the action, he must file an amended complaint so indicating, accompanied by a USM-285 form identifying Mr. Varel so that the Marshal may serve summons upon him. After Plaintiff filed this motion, the Court appointed counsel to represent him in the action. Plaintiff should contact his counsel to assist him in amending his complaint. Plaintiff should not file any documents *pro se* now that he is represented by an attorney.

IT IS SO ORDERED.

DATED: December 14, 2009

s/ Donald G. Wilkerson
DONALD G. WILKERSON
United States Magistrate Judge